

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 03/24/03.

## **I. DISPUTE**

Whether there should be additional reimbursement for date of service 06/10/02 in the amount of \$4,146.00 for outpatient surgery. The Respondent reduced reimbursement with the denial code, "M-NO MAR SET BY TWCC-REDUCED TO FAIR AND REASONABLE."

## **II. RATIONALE**

Texas Labor Code 408.027 (c), Commission Rule 133.304 (i) (1-4) and 133.307 (j) (1) (F) places certain requirements on the carrier when reducing the billed amount to fair and reasonable. The carrier is required to develop and consistently apply a methodology to determine fair and reasonable reimbursement and to explain and document the method used for the calculation. There was no methodology found from the Respondent.

TWCC has to determine which party has provided the most persuasive evidence as to what is a fair and reasonable fee. In this case, the Requestor has submitted some evidence of fair and reasonable in the form of redacted EOBs from other Respondents indicating reimbursement of like services.

Therefore, additional reimbursement **is** recommended.

## **III. FINDINGS & DECISION**

Based upon the review of the disputed healthcare services within this request, the Medical Review has determined that the requestor **is** entitled to reimbursement for spinal surgery. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit **\$4,146.00** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings and Decision and Order are hereby issued this 18<sup>th</sup> day of August 2003.

Michael Bucklin  
Medical Dispute Resolution Officer  
Medical Review Division

Carolyn Ollar  
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